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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 ALFRED BANKS AND SHIRLEY
16 LAWRENCE-BANKS, on behalf of
17 themselves and all others similarly
18 situated

19 Plaintiffs,

20 vs.

21 COUNTY OF SAN MATEO AND
22 DOES 1-10, ET AL.,

23 Defendants

CASE NO: 16-CV-06072-HSG

STIPULATION AND ~~PROPOSED~~
ORDER RE FILING OF FIRST
AMENDED COMPLAINT AND
REMANDING CASE TO STATE
COURT

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24 Attorneys for Defendant County of San Mateo

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1 WHEREAS, on August 8, 2016, Plaintiffs filed a class action complaint in
2 the San Mateo Superior Court, entitled *Banks, et al. v. County of San Mateo, et al.*,
3 San Mateo Superior Court case no. 16CV00826 (hereinafter the “Banks State
4 Court Action”) alleging the following cause of action: 1) 42 U.S.C. § 1983; 2)
5 Violation of California Constitution §§ 13C and D; 3) Violation of California
6 Government Code § 11135; 4) Violation of California Civil Code § 52.1; and 5)
7 Violation of Additional Provisions of the California Constitution;

8 WHEREAS, on or about October 20, 2016, Defendant County of San Mateo
9 removed the *Banks* State Court Action to federal court pursuant to 28 U.S.C. §
10 1441(A), currently pending before the Honorable Donna M. Ryu, USDC case no.
11 16-CV-06072-DMR (the “Removed Action”);

12 WHEREAS, the parties have agreed that Plaintiffs will file a First Amended
13 Complaint in the Removed Action which eliminates all federal claims. The First
14 Amended Complaint in the Removed Action will allege the following causes of
15 action: 1) Violation of California Constitution §§ 13C and D; 2) Violation of
16 California Government Code § 11135; 3) Violation of California Civil Code §
17 52.1; and 4) Violation of Additional Provisions of the California Constitution.
18 Plaintiffs’ Proposed First Amended Complaint is attached hereto as Exhibit 1.

19 WHEREAS the parties agree that upon the filing of the First Amended
20 Complaint the Removed Action should be remanded to the San Mateo Superior
21 Court.

22 IT IS SO STIPULATED.

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2 DATED: December 6, 2016

Respectfully Submitted,

3 KAYE, MCLANE, BEDNARSKI & LITT, LLP
4 &
5 RAPKIN & ASSOCIATES, LLP

6 By: / s / Barrett S. Litt
7 Barrett S. Litt
8 Attorneys for Plaintiffs

9 DATED: December 6, 2016

Respectfully Submitted,

10 JOHN C. BEIERS, COUNTY COUNSEL

11
12 By: / s / Adam W. Ely
13 Adam W. Ely
14 Attorneys for Defendant County of San Mateo
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24 *Submitted for filing with the consent of all signatories.
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1 GOOD CAUSE APPEARING:

2 The parties' stipulation is hereby GRANTED.

3 Plaintiffs shall file a First Amended Complaint alleging the following causes
4 of action: 1) Violation of California Constitution §§ 13C and D; 2) Violation of
5 California Government Code § 11135; 3) Violation of California Civil Code §
6 52.1; and 4) Violation of Additional Provisions of the California Constitution
7 within three (3) days from the date of this order.

8 Upon filing of the First Amended Complaint the instant action is
9 REMANDED to the Superior Court of California, County of San Mateo. The clerk
10 shall close the file and terminate all pending hearings.

11 IT IS SO ORDERED.

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13 Date: 12/6/2016


HON. HAYWOOD S. GILLIAM, JR.